

REMARKS

Applicants have included the limitations of Claim 24 in Claim 1 and the limitations of Claim 30 in Claim 29 now making Claim 1 Claim 24 written in independent form and Claim 29 Claim 30 in independent form. Applicants have also written Claim 20 in independent form. Neither Claim 20 nor Claims 24 nor 30 have been allowed by the Examiner, however, applicants request reconsideration of such Claims based on the following arguments. The Examiner has indicated that Claim 21 would be allowable if written in independent form, however, Claim 21 has not been so rewritten pending reconsideration of Claim 20.

The Examiner has rejected Claims 24 and 30 under 35 USC 103 as being unpatentable over Haynes et al. and further in view of Buxton. However, only Haynes et al. is referred to specifically in rejecting Claims 24 and 30. Claims 24 and 30 both recite that fastener portions are secured to the "fabric" pet supporting floor and that these fasteners mate with fastener portions attached to the cover. In rejecting Claims 24 and 30, the Examiner says, "Regarding claims 24 and 30, hook members are readable on the "fastener portions" of claim 24, and are mated with receiving holes in 70 in cover 36, securing the cover to the pet house." While Haynes et al.'s hooks may be readable on "fastener portions," Claims 24 and 30 require more than just "fastener portions." Claims 24 and 30 require that the "fastener portions" are secured to the "fabric pet supporting floor." As previously pointed out, however, Haynes et al.'s hooks are attached to Haynes et al.'s bed device frame which would equate to applicant's "lower frame," and not to Haynes et al.'s fabric bed 40 which equates to applicant's "fabric pet supporting floor." There is nothing in Haynes et al. to show or suggest that a connection to the fabric pet supporting floor rather than to a rigid frame would hold the flexible enclosure frame members in the required tension. Previously the Examiner stated that "Haynes hooks 72, 74, 76, and 88 are attached to the supporting floor 40 since the hooks are essentially part of frame 12 and floor 40 is

attached to the frame 12". However, applicants submit that this is a real stretch in interpretation of the language of the claims, particularly in view of the argument made here. Haynes et al.'s hooks are secured to Haynes et al.'s frame as is Haynes et al.'s fabric bed secured to Haynes et al.'s frame. Nothing in Haynes et al. suggests or makes obvious attachment to the fabric bed as required by Claims 24 and 30, rather than to the frame. Claims 24 and 30, as previously presented, should be allowable. Therefore, Claims 1 and 29 as they incorporate previously presented Claims 24 and 30, respectively, should be allowable. Further, since the Amendments to Claims 1 and 29 merely incorporate the restrictions from prior Claims 24 and 30, no new issued are raised and entry of the amendments should be proper.

The Examiner has also rejected Claim 20 under 35 USC 103 as being unpatentable over Haynes et al. and further in view of Buxton. Again, however, only Haynes et al. is referred to specifically in rejecting Claim 20. In regard to Claim 20, the Examiner points to Haynes et al. and says that "the means for staking the housing to a supporting surface is defined as leg 18 readily available to be staked to a ground surface, e.g. a U-shaped stake overlapping leg 18 and engaging the ground." However, Claim 20 was amended in the last amendment to require a "tab means for staking the at least one leg to the supporting surface." Thus, Claim 20 requires not only a leg for staking the leg to a supporting surface, but "at least one of the legs including a tab means for staking the at least one leg to the supporting surface." Therefore, Claim 20 requires a leg and a tab means. The Examiner's example from Haynes et al. of "a U-shaped stake overlapping leg 18 and engaging the ground" includes only a leg and a stake. It does not include a tab means in addition to the leg, the tab means being for "staking the at least one leg to the supporting surface." The Examiner's example of using a U-shaped stake overlapping leg 18 and using leg 18 directly for staking the leg to a supporting surface rather than providing a tab means and using the tab means for staking the leg to the supporting cannot make the presence of

Art Unit: 3644
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applicant's tab means obvious. Applicants do not understand how Haynes et al's complete absence of a tab means in addition to the leg can make a tab means obvious. Claim 20 as it was previously presented should be allowable. Therefore, Claim 20 as now written in independent form should be allowable.

Favorable reconsideration is requested.

A Supplemental IDS is also filed herewith.

Please charge any additional fees due, or deposit any overpayments, to Deposit Account No. 20-0100 of the undersigned.

Dated this 3rd day of August, 2006.

Respectfully submitted,



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